

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

COMMUNITY BANK, DESOTO COUNTY,

PLAINTIFF,

V.

CIVIL ACTION NO. 2:02CV251-P-A

**MARTIN E. COOPER, JR.; COOPER
GLASS COMPANY, LLC; and C AND
R HOLDING COMPANY, LLC,**

**DEFENDANTS
THIRD-PARTY PLAINTIFFS,**

V.

MARK BARTLETT,

THIRD-PARTY DEFENDANT.

PARTIAL FINAL JUDGMENT

In accordance with a Memorandum Opinion issued this day, and there being no just reason for delay in rendering a partial final judgment, **IT IS ORDERED AND ADJUDGED** that:

(1) Plaintiff's Motion for Summary Judgment [67-1] is **GRANTED**; therefore,

(2) The defendants' counterclaim against the Community Bank, Desoto County is **DISMISSED WITH PREJUDICE**;

(3) Martin Cooper, Jr.; Cooper Glass Company, LLC; and C and R Holdings Company, LLC are jointly and severally liable for the total amount due under Loan 6500995 issued by Community Bank, Desoto County including two-hundred-and-thirty-five-thousand dollars (\$235,000.00) in principal, all pre-judgment and post-judgment interest accrued through the date of actual payment, and reasonable attorney fees, expenses, and costs;

(4) Martin Cooper Jr. is individually liable for the total amount due under Loan 6500037 issued by Community Bank, Desoto County including the principal amount of \$6,739.25, all pre-

judgment interest and post-judgment interest accrued through the date of actual payment, late fees accrued pursuant to the terms of the Loan, and reasonable attorney fees, expenses, and costs;

(5) The court declares that (a) Community Bank, Desoto County holds a valid and enforceable lien against real property described in the Mortgage and/or the Third Party Agreement executed by C and R Holdings Company, LLC; and (b) Community Bank, Desoto County may proceed, under Arkansas or applicable federal law, to foreclose on the real property to satisfy the indebtedness under Loan 6500995 and/or Loan 6500037 (pursuant to the terms of said loans, respectively) if Community Bank, Desoto County does not receive payment within thirty (30) days of the date of any judgment rendered by the Court determining amounts due and owing under either Loan;

(6) C and R Holdings Company, LLC is hereby enjoined from transferring or otherwise conveying any of its real property pending the full satisfaction of Loan 6500995 and Loan 6500037 pursuant to the terms of said loans, respectively;

(7) Martin Cooper, Jr.; Cooper Glass Company, LLC; C and R Holdings Company, LLC; and Mark Bartlett are instructed to file their dispositive motions regarding the Third Party Complaint against Mark Bartlett within ten (10) days of entry of this Order, allowing for the appropriate time for responses to be filed thereto; if no such motions are filed, the court will *sua sponte* dismiss the Third Party Complaint for lack of prosecution.

SO ORDERED this the 13th day of March, A.D., 2006.

/s/ W. Allen Pepper, Jr. _____
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE